



Patent
Attorney's Docket No. 001560-376

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Nunokawa et al.) Group Art Unit: 1624
Application No.: 09/959,252) Examiner: Tamthom Ngo Truong
Filed: October 22, 2001) Confirmation No.: 7507

For: NF-κB INHIBITOR COMPRISING
PHENYLMETHYL BENZOQUINONE
AS AN ACTIVE INGREDIENT

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above. Charge \$110.00 (1814) to Deposit Account No. 02-4800 for the fee due.

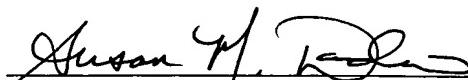
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 27, 2004

By:


Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

TERMINAL DISCLAIMER TO OBVIAE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
001560-376

In re Patent Application of: Yoichi Nunokawa et al.

Application No.: 09/424,059

Filed: November 18, 1999

For: NF-KB INHIBITOR COMPRISING PHENYLMETHYL BENZOQUINONE AS AN ACTIVE INGREDIENT



The owner, DAIICHI SUNTORY PHARMA CO., LTD.

of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,703,421. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.


Signature

September 27, 2004

Date

Susan M. Dadio, Reg. No. 40,373

Typed or printed name

(703) 836-6620

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

09/29/2004 09/29/2004 GWODOF1 00000045 024800 09424059
09/29/2004 GWODOF1 00000045 024800 09424059
01 FC:1251 110.00 DA

09/29/2004 GWODOF1 00000055 024800 09424059
01 FC:1814 110.00 DA